

Protection of the Environment Operations (Clean Air) Regulation – Section Comparison Table

Section comparison table – draft and existing Regulation

Draft 2022 Regulation section		2021 Regulation clause	
Part 1 - Preliminary			
1	Name of Regulation	1	Name of Regulation
2	Commencement	2	Commencement
3	Definitions	3	Definitions
Part 2 – Domestic solid fuel heaters – the Act, Sch 2, cl 6A			
4	Definitions	4	Definitions
5	Heaters to which Part applies	5	Application of Part
6	Sale of heaters - certificates of compliance	6	Requirement for certificates of compliance when heaters are sold
7	Interference with heaters	7	Interference with heaters
Part 3 – Control of burning – the Act, Sch 2, cl 6			
Division 1 - Preliminary			
-		8	Definitions
8	Application of Part	9	Application of Part
Division 2 – Obligation to prevent air pollution			
9	General obligation to prevent or minimise pollution	10	General obligation to prevent or minimise air pollution

Division 3 – Burning certain prohibited items

10	Prohibition on burning certain prohibited items	11	Prohibition on burning certain articles
11	Exemptions granted to public authority by EPA	11	Prohibition on burning certain articles

Division 4 – Controls for local government area

12	Prohibition of burning in particular local government areas	12	Offences
13	Authorised burning of domestic waste		
14	Authorised burning for recreation purposes		
15	Authorised burning of vegetation for agricultural operations		
16	Authorised burning for bush fire hazard reduction and training fire fighters		
17	Authorised burning – incinerators and flares		
18	Authorised burning under an approval	13	Approval for certain fires or incinerators

Part 4 – Motor vehicles – the Act, Sch 2, cll 4 and 6B**Division 1 - Preliminary**

19	Definitions	14	Definitions
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Division 2 – Air impurities

20	Excessive air impurities – Act, s 154	15	Excessive air impurities
21	Motor vehicles emitting excessive air impurities	16	Motor vehicles emitting excessive air impurities
22	Exemption – selling motor vehicle that emits excessive air impurities – Act, s 286	20	Exemption from offence relating to sale of motor vehicles

Division 3 – Devices that are prescribed anti-pollution devices – Act, s 154

23	Prescribed anti-pollution devices – general	17	Prescribed anti-pollution devices
24	Requirement to fit prescribed anti-pollution device – Act, ss 156, 157, and 160	-	
25	Prescribed anti-pollution device – evaporative emission control system	17	Prescribed anti-pollution devices
26	Prescribed anti-pollution device – fuel supply system		

27	Prescribed anti-pollution device – engine ignition system		
28	Prescribed anti-pollution device – engine management system		
29	Prescribed anti-pollution device – smoke-limiting throttle control system		
30	Prescribed anti-pollution device – exhaust gas recirculation system		
31	Prescribed anti-pollution device – catalytic converter system		
32	Prescribed anti-pollution device – particulate filter	-	
33	Prescribed anti-pollution device – manufacturer's devices	-	
34	Prescribed anti-pollution device – complying exhaust pipe	17(h)	Prescribed anti-pollution devices
		18	Fitting of certain anti-pollution devices to be compulsory
<i>Division 4 – Provisions about prescribed anti-pollution devices</i>			
35	Complying exhaust pipe not required for certain vehicles	19	Complying exhaust pipe not required for certain vehicles
36	Complying exhaust pipe must be free of holes – Act, s 159	21	Maintenance of vehicles
37	Prescribed anti-pollution device must be properly serviced or repaired – Act, s 158	23	Maintenance, service and adjustment of motor vehicles
38	Prescribed anti-pollution device must be properly fitted	22	Use of motor vehicle requires anti-pollution device
39	Prescribed anti-pollution device must not be impaired	24	Removal or adjustment of anti-pollution device
40	Exemption – impairment of anti-pollution device for motor sport – Act, s 286	25	Exemption from offence against section 157
Moved to Part 8 (s 153 to 154)		26	Transfer of petrol into fuel tanks of motor vehicles
Moved to Part 8 (s 112 to 124)		Division 5	Petrol volatility (s 27 to 31)
Part 5 – Air impurities emitted from activities and plant – the Act, Sch 2, cl 6B			
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<i>Subdivision 1 – Preliminary</i>			
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Subdivision 2 – Scheduled premises

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		36(1)-(2)	Phasing out of Group 2
45	Phasing out of Group 5 for transitioning Group 3 or 4 activities and plant	-	
46	Emission units	34	Emission units taken to be in Group 6
47	Application for legacy condition	37	Alternative standards imposed by licence conditions
		35(3)-(4)	Phasing out of Group 1
		36(3)-(4)	Phasing out of Group 2
48	Determination of application for legacy condition	38	Determination of application for variation of licence

Subdivision 3 – Non-scheduled premises

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50	Emissions units	-	

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51	Standards of concentration for air impurities – Act, s 128	39	Prescribed standards of concentration for air impurities (scheduled premises)
		45	Prescribed standards of concentration for air impurities (non-scheduled premises)
52	Alternative standard for hydrogen sulfide emissions	43	Alternative standard for hydrogen sulfide emissions
53	Application of standards of concentration during start-up and shutdown periods	57	Exemptions relating to start-up and shutdown periods
54	Standards of concentration not to affect other controls	56	Standards of concentration not to affect other controls

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60	Dioxins and furans	41	Dioxins and furans
61	Combination of air impurities from 2 or more sources – Act, s 128	55	Combination of air impurities from 2 or more sources
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63	Scheduled premises	42	Approved circumstances in relation to smoke emissions
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65	Application of Division	48	Definition
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66	Flares generally	50	Operation of Group 6 treatment plant

67	Flares for treating landfill gas	51(2)	Residence time
		52(2)	Combustion temperature
		53(2)	Destruction efficiency
68	Afterburners without catalytic control system	51(1)	Residence time
		52(1)	Combustion temperature
69	Thermal treatment plants other than flares	53(1)	Destruction efficiency
70	Method of calculating time, temperature and destruction efficiency	51(3)	Residence time
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		53(3)	Destruction efficiency

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-	Division 1 – Preliminary
Moved to s 76, s 87, s 94, s 125, s 137 and Dictionary	61 Definitions

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75	Exemptions from requirement for control equipment	63	Exemptions from requirement for control equipment

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79	Drainage system	65(2)(a), 65(3)	

80	Vapour control	65(2)(b)(iii), 65(c)	
81	Roofs for tanks commissioned on or after 1 July 2024	-	
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83	Rim mounted secondary seal for tanks commissioned before 1 July 2024	-	
84	Fill pipes for tanks commission on or after 1 July 2024	-	
85	Vapour disposal systems	65(6)(a), 65(7)	Control equipment for large storage tanks
86	Vapour recovery systems	65(6)(b), 65(7)	Control equipment for large storage tanks

Division 3 – Control equipment for small storage tanks

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89	Vapour transfer system and lines	67(2)(a)-(b), 67(2)(d), 67(3)-(4)	
90	Overfill protection system for tank filled by operation of gravity	67(2)(c)	
91	Pressure vacuum valves for tank located above ground	67(2)(e), 67(5)	
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97	Interlock systems	66(2)(b)	
98	Vapour disposal systems	66(2)(d)(i), 66(3)	

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103	Exemption from requirement for control equipment	68(4)-(5)	
104	Vapour handling system and lines	68(2)(a), 68(3)	
105	Lines	68(2)(c)	
106	Overfill protection device	68(2)(b)	
107	Pressure vacuum valves	68(2)(e)	
108	Fitting of hatch covers to tank openings	68(2)(d)	
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Division 2 – Petrol service stations

Note: sections in the Draft 2022 regulation marked with an asterisk (*) incorporate requirements from the *Standards and best practice guidelines for vapour recovery at petrol service stations*.

Subdivision 1 – Preliminary

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128	Application to petrol dispensers	61	Definitions
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129	Operation of petrol dispenser to which Subdivision applies	74	Control equipment for petrol dispensers
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133*	Vapour recovery – monitoring	76(1)-(2), 76(5)	Specifications regarding monitoring
134*	Petrol dispenser not to be operated until fault rectified	76(3)-(4)	Specifications regarding monitoring
135	Compliance notification	78	Compliance notification
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Schedule 3 Test methods, averaging periods and reference conditions
(Combines former Schedules 5 and 7)

Schedule 5

Test methods, averaging periods and reference conditions for scheduled premises

Schedule 7

Test methods, averaging periods and reference conditions for non-scheduled premises

Dictionary

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